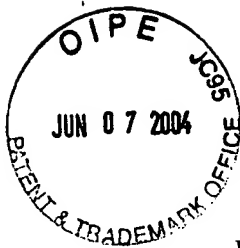


CoFC



PATENT
Attorney Docket No. P06287US00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENTEE: HOFFBECK, Loren John
PATENT NO: 6,717,040 *01*
ISSUED: April 6, 2004
TITLE: INBRED MAIZE LINE PH5W4

REQUEST FOR CERTIFICATE OF CORRECTION OF PATENT
FOR PTO MISTAKE (37 CFR § 1.322(a))

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
ATTN: Decision and Certificate of Correction
Branch of the Patent Issue Division

Certificate
JUN 10 2004
of Correction

Dear Sir:

Attached, in duplicate, is Form PTO-1050, with at least one copy being suitable for printing.

The exact page and line number where the errors are shown correctly in the application file are: page 2, lines 4-12, 14, 17 and 20; page 3, lines 16 and 27; page 4, line 16; page 5, line 28; and page 7, lines 6, 19 and 20 of the Second Supplemental Amendment After Final filed September 15, 2003.

CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this correspondence is, on the date shown below, being:

MAILING

☐ deposited with the United States Postal Service with sufficient postage as First Class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

FACSIMILE

☐ transmitted by facsimile to the Patent and Trademark Office, Art Unit 1638 at Fax No. (703) 872-_____.

Date: 6/3/04

LILA A. T. AKRAD

JUN 10 2004

Please send the Certificate to: Lila A. T. Akrad, McKee, Voorhees & Sease, P.L.C., 801
Grand Avenue, Suite 3200, Des Moines, IA 50309-2721.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Lila A. T. Akrad". The signature is fluid and cursive, with a large initial "L" and a stylized "A".

Lila A. T. Akrad, Reg. No. 52,550
McKEE, VOORHEES & SEASE, P.L.C.
801 Grand Avenue, Suite 3200
Des Moines, Iowa 50309-2721
Phone No. (515) 288-3667
CUSTOMER NO: 27142
Attorneys of Record

- pw -

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO : 6,727,040 *h*
DATED : April 6, 2004
INVENTOR(S) : HOFFBECK, Loren John

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Column 39, lines 2-26:

Applicant has made a deposit of at ~~least~~ least 2500 seeds of Inbred Maize Line PH5W4 with the American Type Culture Collection (ATCC), Manassas, ~~Va.~~ VA 20110 USA, ATCC Deposit No. PTA-4434. The seeds deposited with the ATCC on ~~Jun.~~ June 4, 2002 were taken from the deposit maintained by Pioneer ~~HI-Bred~~ Hi-Bred International, Inc., 800 Capital Square, 400 Locust Street, Des Moines, Iowa 50309-2340 since prior to the filing date of this application. Access to this deposit will be available during the pendency of the application to the Commissioner of Patents and Trademarks and persons determined by the Commissioner to be entitled thereto upon request. Upon allowance of any claims in the application, the Applicant will make the deposit available to the public pursuant to 37 C.F.R. § 1.808. This deposit of the Inbred Maize Line PH5W4 will be maintained in the ATCC depository, which is a public depository, for a period of 30 years, or 5 years after the most recent request, or for the effective enforceable life of the patent, whichever is longer, and will be replaced if it becomes nonviable during that period. Additionally, Applicant has satisfied all the requirements of 37 C.F.R. §§1.801 - 1.809, including providing an indication of the viability of the sample. Applicant imposes no restrictions on the availability to the public of the deposited material from the ATCC; however, Applicant has no authority to waive any restrictions imposed by law on the transfer of biological material or its transportation in commerce. Applicant does not waive any infringement of his their rights granted under this patent or under the Plant Variety Protection Act (7 USC 2321 et seq.). U.S. Plant Variety Protection of Inbred Maize Line PH5W4 has been applied for under Application No. 200100244.

MAILING ADDRESS OF SENDER:

Lila A. T. Akrad, Reg. No. 52,550
McKee, Voorhees & Sease, P.L.C.
801 Grand Avenue, Suite 3200
Des Moines, IA 50309-2721

PATENT NO. 6,717,040 *h*

No. of additional copies



This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

JUN 10 2004

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO : 6,717,040 *B1*

DATED : April 6, 2004

INVENTOR(S) : HOFFBECK, Loren John

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Column 39, line 46:

5. Protoplasts produced from the tissue culture of claim 4.

Column 39, line 56:

8. A method for producing ~~[[a]]~~ an F1 hybrid maize seed, comprising crossing the plant of claim 2 with a different maize plant and harvesting the resultant F1 hybrid maize seed.

Column 40, line 3:

13. The maize plant of claim 12, wherein the transgene confers resistance to an herbicide selected ~~on~~ from the group consisting of: imidazolinone, sulfonylurea, glyphosate, glufosinate, L-phosphinothricin, triazine and benzonitrile.

Column 40, line 41:

(a) crossing PH5W4 plants grown from PH5W4 seed, representative seed of which has been

Column 41, line 17:

(a) ~~[[a]]~~ crossing PH5W4 plants grown from PH5W4 seed,

Column 42, line 12:

cross progeny plants that ~~comprises~~ comprise said nucleic acid molecule and have all of the physiological and morphological ~~characterizes~~ characteristics of maize inbred line PH5W4

MAILING ADDRESS OF SENDER:

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801 Grand Avenue, Suite 3200
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PATENT NO. 6,720,487 *B1*

No. of additional copies



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